

Attorney Docket: DX0758K1-RE
(a.k.a. 15631-0004801US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

J. Fernando Bazan

Application No.: 09/935,366

Filed: August 22, 2001

For: DNA ENCODING INTERLEUKIN-
B30

Examiner: P. Mertz

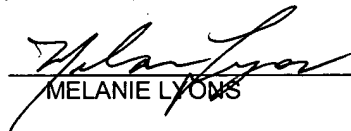
Art Unit: 1646

Conf. No.: 1749

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. 1.97(c) OR (d)

Sir:

37 C.F.R. 1.97(c)

1.a ☒ The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:

- (1) a final action under § 1.113, or
- (2) a notice of allowance under § 1.311, whichever occurs first.

1.b ☐ This statement is accompanied by the certification set forth below. OR

1.c ☒ Applicant(s) elect to pay the fee of \$180.00 for the submission of this information disclosure statement.

03/26/2004 CCHAU1 00000039 041239 09935366
01 FC:1806 180.00 DA

37 C.F.R. 1.97(d)

- 2.a ☐ The information disclosure statement transmitted herewith is being filed after a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.
- 2.b ☐ This statement is accompanied by the certification set forth below. AND
- 2.c ☐ Applicant(s) hereby petition for the consideration of the accompanying information disclosure statement. AND
- 2.d ☐ The fee for this petition is \$130.00.

METHOD OF PAYMENT

- 3.a ☒ Charge \$180.00 to DNAX Deposit Account No. 04-1239.
- 3.b ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to DNAX Deposit Account No. 04-1239.

CERTIFICATION

4. ☐ I, the person signing below, hereby certify
- ☐ that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement.

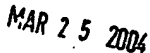
Applicants request that the Examiner fully consider the art cited in the attached PTO/SB/08 form. Applicants further request that the Patent and Trademark Office list all such art on the front of any patent issuing from this application.

Respectfully submitted,

Date: 22-March-2004

By: Sheela Mohan-Peterson
Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

Customer No. 28008
DNAX Research, Inc.
901 California Avenue
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Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | |
|--|---|----|---|--------------------------|-----------------------------------|
| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 09/935,366 |
| | | | | Filing Date | August 22, 2001 |
| | | | | First Named Inventor | J. Fernando BAZAN |
| | | | | Art Unit | 1646 |
| | | | | Examiner Name | P. Mertz |
| | | | | Attorney Docket Number | DX0758K1-RE (aka 15631-0004801US) |
| Sheet | 1 | of | 1 | | |

[illegible]

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

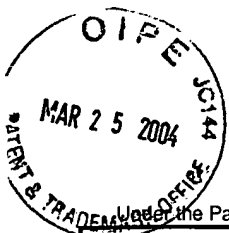


Image
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AF/1646
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PTO/SB/21 (03-03)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|-----------------------------------|
| Application Number | 09/935,366 |
| Filing Date | 08/22/2001 |
| First Named Inventor | J. Fernando BAZAN |
| Art Unit | 1646 |
| Examiner Name | P. MERTZ |
| Attorney Docket Number | DX0758K1-RE (aka 15631-0004801US) |

Total Number of Pages in This Submission

7*

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Other Enclosures/Remarks: | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <ul style="list-style-type: none">• Form PTO/SB/08• return receipt postcard | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | * cited references are not included in the page count | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------------|--|
| Firm or Individual | Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104 |
| Signature | |
| Date | 22-March-2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date indicated below:

| | | | |
|------------------|---------------|------|---------|
| Typed or printed | MELANIE LYONS | | |
| Signature | | Date | 3-22-04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

| | |
|----------------------|-----------------------------------|
| Application Number | 09/935,366 |
| Filing Date | 08/22/2001 |
| First Named Inventor | J. Fernando Bazan |
| Examiner Name | P. Mertz |
| Art Unit | 1646 |
| Attorney Docket No. | DX0758K1-RE (aka 15631-0004801US) |

TOTAL AMOUNT OF PAYMENT (\$)**180****METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 04-1239Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|---------------|
| 1001 770 | 2001 385 | Utility filing fee | <u>0</u> |
| 1002 340 | 2002 170 | Design filing fee | <u> </u> |
| 1003 530 | 2003 265 | Plant filing fee | <u> </u> |
| 1004 770 | 2004 385 | Reissue filing fee | <u> </u> |
| 1005 160 | 2005 80 | Provisional filing fee | <u> </u> |

SUBTOTAL (1) \$ 0**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| | Extra Claims | Fee from Below | Fee Paid |
|--------------------|--------------------|----------------|---------------|
| Total Claims | <u>-20** = 0</u> X | <u> </u> | <u> </u> |
| Independent Claims | <u>-3** = 0</u> X | <u> </u> | <u> </u> |
| Multiple Dependent | <u> </u> | <u> </u> | <u> </u> |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 0

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|---------------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | <u> </u> |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | <u> </u> |
| 1053 130 | 1053 130 | Non-English specification | <u> </u> |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | <u> </u> |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | <u> </u> |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | <u> </u> |
| 1251 110 | 2251 55 | Extension for reply within first month | <u> </u> |
| 1252 420 | 2252 210 | Extension for reply within second month | <u> </u> |
| 1253 950 | 2253 475 | Extension for reply within third month | <u> </u> |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | <u> </u> |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | <u> </u> |
| 1401 330 | 2401 165 | Notice of Appeal | <u> </u> |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | <u> </u> |
| 1403 290 | 2403 145 | Request for oral hearing | <u> </u> |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | <u> </u> |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | <u> </u> |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | <u> </u> |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | <u> </u> |
| 1502 480 | 2502 240 | Design issue fee | <u> </u> |
| 1503 640 | 2503 320 | Plant issue fee | <u> </u> |
| 1460 130 | 1460 130 | Petitions to the Commissioner | <u> </u> |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | <u> </u> |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | <u>180</u> |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | <u> </u> |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | <u> </u> |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | <u> </u> |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | <u> </u> |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | <u> </u> |

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 180**SUBMITTED BY**

(Complete (if applicable))

| | | | | | |
|-------------------|------------------------------|------------------|----------------------|-----------|----------------|
| Name (Print/Type) | Sheela Mohan-Peterson | Registration No. | 41,201 | Telephone | 1-650-496-6400 |
| Signature | <i>Sheela Mohan-Peterson</i> | Date | <i>22-March-2004</i> | | |

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